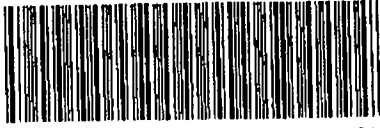


CERTIFIED COPY

18286 1/4/2008 88899



07-2-12633-9 28925114 DCLR 01-04-08

FILED
IN COUNTY CLERK'S OFFICE
A.M. JAN 04 2008 P.M.
PIERCE COUNTY, WASHINGTON
KEVIN STOCK, County Clerk
BY _____ DEPUTY

Judge D. Gary Steiner
Department 10

**STATE OF WASHINGTON
PIERCE COUNTY SUPERIOR COURT**

DOUGLAS TOBIN,

NO. 07-2-12633-9

Plaintiff,

v.

DECLARATION OF PATRICIA C.
FETTERLYSTATE OF WASHINGTON and
PIERCE COUNTY,

Defendants.

I, Patricia C. Fetterly, make the following declaration under penalty of perjury:

I am attorney for defendant State of Washington in this lawsuit. My business address is 7141 Clearwater Dr. S.W., P.O. Box 40126, Olympia, Washington 98504-0126. Attached hereto and incorporated herein as Exhibit A is a true and correct copy of the tort claim filed by plaintiff Douglas Tobin that preceded the filing of this lawsuit.

//

//

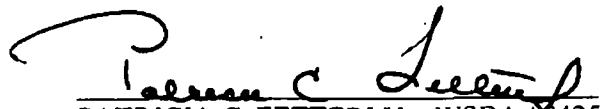
DECLARATION OF PATRICIA C.
FETTERLY


1

ATTORNEY GENERAL OF WASHINGTON
Torts Division
7141 Clearwater Drive SW
PO Box 40126
Olympia, WA 98504-0126
(360) 586-6300

10206 1/4/2008 00100

1 Signed under penalty of perjury under the laws of the State of Washington at
 2 Tumwater, Washington this 6 day of December 2007.

3
 4 
 5 PATRICIA C. FETTERLY WSBA #8425
 6
 7
 8
 9
 10
 11
 12
 13
 14
 15
 16
 17
 18
 19

20 STATE OF WASHINGTON, County of Pierce
 21 ss: I, Kevin Stock, Clerk of the above
 22 entitled Court, do hereby certify that this
 23 foregoing instrument is a true and correct
 24 copy of the original now on file in my office.
 25 IN WITNESS WHEREOF, I hereunto set my
 26 hand and the Seal of said Court this
 day of Feb 13 2009
 Kevin Stock, Clerk 

DECLARATION OF PATRICIA C.
 FETTERLY

2

ATTORNEY GENERAL OF WASHINGTON
 Torts Division
 7141 Cleanwater Drive SW
 PO Box 40126
 Olympia, WA 98504-0126
 (360) 586-6300

10206 1/4/2008 00101

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

PROOF OF SERVICE

I certify that I caused to be served a copy of this document on all parties or their counsel of record on the date below as follows:

☒ US Mail Postage Prepaid via Consolidated Mail Service

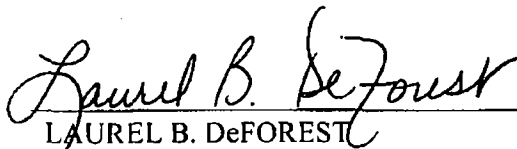
☐ ABC/Legal Messenger

☐ State Campus Delivery

☐ Hand delivered by _____

I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

DATED this 3rd day of January, 2008 at Tumwater, WA.


LAUREL B. DeFOREST

DECLARATION OF PATRICIA C.
FETTERLY

3

ATTORNEY GENERAL OF WASHINGTON
Torts Division
7141 Cleanwater Drive SW
PO Box 40126
Olympia, WA 98504-0126
(360) 586-6300

10206 1/4/2008 00102

STANDARD TORT CLAIM FORM
 General Liability Claim Form #SF 210

Pursuant to Chapter 4.02 RCW, this form is for filing a tort claim against the State of Washington. Information requested on this form is required by RCW 4.02.100 and may be subject to public disclosure. Claims involving accidents with vehicles operated by state employees should be filed on a Standard Vehicle Accident Claim Form (#SF 138), not this form. Claim forms cannot be submitted electronically (via e-mail or fax).

For Official Use Only

 Mail or deliver
 original claim
 to:

 Office of Financial Management
 Risk Management Division
 300 General Administration Building
 Post Office Box 41027, MS. 41027
 Olympia, Washington 98504-1027
CLAIMANT INFORMATION

1. Claimant's name:

TOBIN DOUGLAS, JOHN MARTIN
Last name First Middle Date of birth (mm/dd/yyyy)
2. Current residential address: 2321 Dayton Airport Rd. P.O. BOX 900

3. Mailing address (if different): _____

4. Residential address for six months prior to the date of the incident (if different from current address): _____

5. Claimant's daytime telephone number: _____

HomeBusiness

6. Claimant's e-mail address: _____

INCIDENT INFORMATION7. Date of the incident: December 10, 2003 Time: 8:27 a.m. p.m. (check one)
(mm/dd/yyyy)

8. If the incident occurred over a period of time, date of first and last occurrences:

 from _____ Time: _____ a.m. p.m. (check one) to _____ Time: _____ a.m. p.m. (check one)
(mm/dd/yyyy) (mm/dd/yyyy)
9. Location of incident: Pierce County/Vashion Island.State and countyCity, if applicablePlace where occurred

10. If the incident occurred on a street or highway:

Name of street or highwayMilepost numberAt the intersection with or nearest
intersecting street

11. State agency or department alleged responsible for damage/injury:

Pierce County Prosecutors Office.

12. Names, addresses and telephone numbers of all persons involved in or witness to this incident:

Honorable Judge John A. McCarthy, Pierce County Prosecutor Tom L.
Moore Allen Ressler, Attorney, and Douglas Tobin
EXHIBITA

10206 1/4/2008 00103

13. Names, addresses and telephone numbers of all state employees having knowledge about this incident:
JUDGE JOHN A. MCCARTHY, 930 Tacoma Ave. S. RM535, Tacoma, WA.
(253) 798-7571.. Tom L. Moore. (253) 798-7400 (address same as judge)

14. Names, addresses and telephone numbers of all individuals not already identified in #12 and #13 above that have knowledge regarding the liability issues involved in this incident, or knowledge of the Claimant's resulting damages. Please include a brief description as to the nature and extent of each person's knowledge. Attach additional sheets if necessary.

16. Describe the cause of the injury or damages. Explain the extent of property loss or medical, physical or mental injuries. Attach additional sheets if necessary.

The Attached Pages of Seized Items by the State of Washington
 Where Ordered Returned to Douglas John/Martin Tobin. And the
 State of Washington has not complied with the Court Order.
 See Attached Order of December 10, 2003.

16. Has this incident been reported to law enforcement, safety or security personnel? If so, when and to whom?

The incident was done by the State of Washington.
 And was Reported to Prosecutor Tom L. Moore.

17. Names, addresses and telephone numbers of treating medical providers. Attach copies of all medical reports and billings.

18. Please attach documents which support the claim's allegations.

19. I claim damages from the State of Washington in the sum of \$491,400.00

The Claimant must sign this claim form unless he or she is incapacitated, a minor, or a nonresident of the state, in which case it may be signed on behalf of the Claimant by any relative, attorney, or agent representing the Claimant.

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

[Signature]
 Signature of Claimant

 Date and place (residential address, city and county)

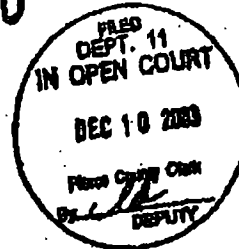
10206 1/4/2008 00104

01/12/2004 10:21 FAX 253 7309

PIERCE COUNTY PROB ATTY

20026 12/17/2002 00027

ORIGINAL



SUPERIOR COURT OF WASHINGTON FOR PIERCE COUNTY

STATE OF WASHINGTON,

Plaintiff,

CAUSE NO. 02-1-05810-0

vs.

DOUGLAS JOHN MARTIN TOBIN,

Defendant.

STIPULATION ON FORFEITURE OF
PROPERTY

The State of Washington represented by Deputy Prosecutor Tom L. Moore and the defendant DOUGLAS JOHN MARTIN TOBIN represented by Attorney Allen Reister enter into the following stipulation regarding the forfeiture of property, seized pursuant to a series of search warrants served on March 19th, 2002. The defendant was originally served with a Notice of Seizure and Intent to Forfeit Property on March 22nd, 2002, under cause number 02-1-01236-3. The State subsequently filed an Amended Information under this cause number charging the defendant with Leading Organized Crime.

The State and the Defendant reach the following agreement:

The State will release to the defendant or his representative:

One pair of binoculars

\$850.00 seized from the defendant's person

The State's lien on a 1969 Chevrolet Nova, license CV3982

The State's hold on two bank accounts located at Bank of America, Fifth Washington, #16492603 and #70438401

Personal property found on the boat Typhoon to include, medicine bag, clothes, etc.

The rest of the property seized by the State will become the property of the State of Washington, Department of Fish and Wildlife, Statewide Enforcement Program. This includes all property listed in the (Attached) Notice of Intent to Forfeit, except that listed above, and any other property seized listed or not, to include: electronics on the boats seized, commercial fishing gear, and weapons.

sccplm:ds

Office of the Prosecuting Attorney
1200 Tacoma Avenue South, Room 900
Tacoma, Washington 98402-3171
Mark O'Brien (253) 785-9000

18286 1/4/2008 00105

JAN-14-2004 WED 10:23 AM
01/12/2004 10:21 FAX 253 798 7309

OTW STU WILL GREEN MH
PIERCE COUNTY PROB ATTY

425 318 24

F. US
4000

28826 12/11/2003 88528

1 Tom L. Moore, DPA #17542

2 Allen Resnik, Attorney for Defendant

3 Douglas John Martin Tobin

4
5
6 **COURT ORDER**

7 The Court being fully advised in this matter and having reviewed the Stipulation
8 of the Parties.

9 **NOW HEREOFRE**

10 **ORDERS** that the property listed above shall be forfeited to the State of Washington,
11 Department of Fish and Wildlife, Statewide Enforcement Program, except that property that by
12 Stipulation is to be returned to the defendant.

13 **DONE IN OPEN COURT** this 11 day of December, 2003.

14 John A. McCarthy
15 Judge, John A. McCarthy
16
17
18
19
20
21
22
23
24
25

gms/pba/dm

Office of the Prosecuting Attorney
100 Thomas Avenue South, Room 945
Tacoma, Washington 98402-1171
Main Office (253) 798-3400

10206 1/4/2008 00106

PERSONAL INVENTORY SEIZED BY THE STATE OF WASHINGTON
FROM DOUGLAS JOHN MARTIN TOBIN.

INVENTORY LIST OF ITEMS SEIZED BY STATE OF WASHINGTON
AND NOT RETURNED PURSUANT COURT ORDER.

ITEM	VALUE OF ITEM
2 each. Turq Blue Sleeping Bags.	900.00
2 each. Blu/Blk Coleman Sleeping Bages.	300.00
2 each. Red/White pillows.	200.00
1 each. Quilted Bed Spread	400.00
1 each. Dark red/blue quilt.	400.00
1 each. Green blanket.	60.00
2 each. Tribal Quilts.	600.00
7 each. Pillows miscellaneous.	210.00
2 each. Bedroom pillows.	180.00
1 each. Shave Kit.	300.00
1 pair. Columbia Boots.	80.00
3 each. Coats.	600.00
2 pairs. Pants.	120.00
5 each. Shirts	150.00
10 each. Hats miscellaneous.	150.00
1 each. Colt Brown Shoes.	400.00
1 each. Coffee Maker/tea pot.	100.00
2 each. Bib Coveralls.	340.00
1 each. Outback Jacket.	300.00
2 each. Eagle Feathers. (blessed by elders priceless)	100.000.00
1 each. Medicine Bag. (gift from elders priceless)	100.000.00
100 each. Movies VHS/DISC	1.200.00
1 each. Glass case.	1.700.00
1 each. Bird Guide Book.	140.00
1 each. Garman GPS map 220 Plotter.	1.500.00
1 set. Marine Log Sheet (can't be replaced) needs to be re-created or found for Maritime Law, and Maritime use.	100.000.00

18286 1/4/2008 88187

Miscellaneous Personal Papers, need to be Found and Returned.

1 each. Celluar Phone.	500.00
7 each. Maritime Charts.	1,500.00
1 each. Vessel Registrations.	10,000.00
Several. Dive Logs needs to be replaced.	50,000.00
1 each. Video Camera.	800.00
1 each. Night Vision Scope.	1,500.00
1 each. Binoculars.	3000.00

NOT LISTED ON ANY SEIZURES.

BOAT EQUIPMENT.

Shackles, Deck Snaps, and Hardware. All Stanless Steel.	4000.00
---	---------

DIVE GEAR.

2. Suites, Air tanks, Weight Belts, Communications Computer, Air Pumps, Hosing, Manifolds, Com System, lines, and assessors.	100,000.00
--	------------

TOOLS.

Welder, Grinders, Cutting Torch, Wrenches, Vice, and assorted other tools.	9000.00
--	---------

2 each. Generators.	3500.00.
---------------------	----------

For a total of \$491,400.00

Douglas Tobin, also request that Interest on said items be issued since to Order of Return of Property on December 10, 2003, at the going Rate of 12% as the State would collect if it was Owed to the State.

10206 1/4/2008 00108

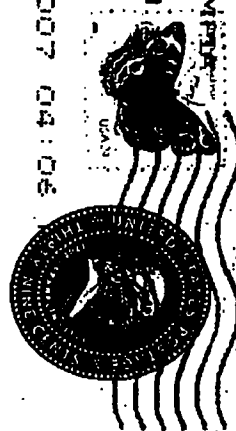
Douglas John Martin Robin #253648
Washington Correction Center
P.O. BOX 900 Cedar A-12
Spelton, WA 98584

ROSLAND
JENNIFER M XSR
Cn b A b- UAY L002

OFFICE OF RISK FINANCIAL MANAGEMENT
RISK MANAGEMENT DIVISION
300 GENERAL ADMINISTRATION BUILDING
P.O. BOX 41027 MS: 41027
Olympia, Washington 98504-1027

INCOMING 04/06/2007 04:06

TACOMA - OLYMPIA
WA 983
05 APR 2007 PM



98504+1027

|||||